

# GOVERNMENT

AN INQUIRY INTO

The Nature and Functions of the State;

DISCLOSING GENERAL PRINCIPLES INVOLVED  
IN QUESTIONS OF

**TAXATION,  
MONEY,  
LABOR AND CAPITAL,  
LAND TENURE,  
CORPORATE PRIVILEGE,  
THE TARIFF, ET CETERA;**

ALSO SHOWING

THE RELATION OF CIVIL POWER TO MORAL AND  
SOCIAL PROGRESS.

BY

**JOHN S. CROSBY.**

---

PUBLISHED BY  
HAILMAN PRINTING COMPANY,  
KANSAS CITY, MO.



V. 2 B. 1. 7. 54. 1979





## PREFACE.

If it be true that what's everybody's business is nobody's, this little book will not be read by anybody. It treats of questions which are of vital importance to every man and woman, and for whose settlement everyone, to the extent of his ability and possible influence, is responsible not only to the State but also to his fellow men and to God.

Wisdom and power have been styled the attributes of sovereignty, but a little wisdom will go a great way, provided there be sufficient power. The doctrine of the divine right of kings was not more dangerous to liberty than is the idea that majorities are necessarily or even generally right. It is becoming a serious question whether the American people are wise enough to make a just use of civil power. Governments do not derive their just powers from the consent of the governed, nor is the greatest good of the greatest number ever of itself alone a sufficient warrant for the exercise of civil power. The yet undeveloped science of government will involve a science of rights yet to be formulated. In the absence of those

sciences political reform must continue to be more or less experimental, but correct principles of government should be followed as far as discovered, and no effort should be spared to make them known and understood by the masses of the people who are entrusted with all the power and charged with all the responsibilities of absolute sovereignty.

“To understand political power aright and derive it from its original, we must consider what estate all men are naturally in, and that is a state of perfect freedom to order their actions and dispose of their possessions and persons as they think fit within the bounds of the law of nature, without asking leave or depending upon the will of any other man.”—*Locke*.

“It [the law of nature] is binding over all the globe, in all countries, and at all times; no human laws are of any validity if contrary to this.”—*Blackstone*.

“Tyranny is the exercise of power beyond right.”—*Locke*.



# CONTENTS.

## CHAPTER I.

- The State Distinguished from Society.—Its Organization not the Result of "Social Contract," but of Compulsion Warranted only by Necessity.—Its Functions Classified..... 9

## CHAPTER II.

- Amplification of the Functions of Government.—Natural Inalienable Rights.—The State Should Mind its Own Business.. 24

## CHAPTER III.

- The Functions of Government a Guide to Legislative Reform; Considerations of Sympathy, Morality and Religion.—The Composite Right to Labor..... 39

## CHAPTER IV.

- The Right to Land Inalienable.—Land Not Property.—A Just System of Land Tenure and of Taxation ..... 52

## CHAPTER V.

- Freedom of Contract.—Natural Competition.—Persons Natural and Artificial.—Corporate Privilege.—Trusts.—Civic Corruption..... 72

## CHAPTER VI.

- A Legal Tender Currency Should be Pure Money Issued by the Government Only.—What is Pure Money?..... 87

## CHAPTER VII.

- The Scientific Method Applicable to the Solution of All Government Problems.—The Tariff.—Woman Suffrage, et cetera..... 101



# GOVERNMENT.

---

## CHAPTER I.

THE STATE DISTINGUISHED FROM SOCIETY.—ITS ORGANIZATION NOT THE RESULT OF “SOCIAL CONTRACT,” BUT OF COMPULSION WARRANTED ONLY BY NECESSITY.—ITS FUNCTIONS CLASSIFIED.

Responsibility of the citizen for popular government depends not more upon the casting of a ballot than upon his influence in forming public opinion. Whether that influence shall be for just or unjust government will depend not more upon his integrity of purpose than upon his conception of the nature and functions of the State.

It is the purpose of the following pages to discover, if possible, the true and sufficient *raison d'être* of government, by what just warrant or authority, if any, it is established and maintained,

what its legitimate functions are, and how and to what extent a knowledge of those functions may aid in advancing political reform and in solving industrial, social and so-called government problems.

What is civil government? Under whatever form it may appear it always makes itself manifest through the exercise of human power organized for and directed to the control of conduct. Power is its essential element, but good government consists in the just and efficient maintenance and use of civil power.

Born into government and ever surrounded by its all-pervading influence, man is prone to regard its power as no less natural than the forces of inanimate nature, and to make use of it as he does of them for any and all purposes to whose accomplishment it may seem adapted; or he confounds the State with society, not realizing that while the latter is a natural organism subject to the universal law of evolution, the former is an artificial mechanism constructed by man for the accomplishment of definite ends. Government, the State, is often spoken of as "society in its corporate capacity," but it is in no proper sense identical with society, nor is its action ever the action of society. The State indeed comprises the same individuals as those composing society; it is a body corporate, organized

by certain members of society who compel the rest to co-operate with them for the maintenance of the organization; all are compelled to become shareholders and to submit to assessments; those, as it were, controlling a majority of the stock, choose directors who control the affairs of the concern. But the action of the governing board is never the unanimous, voluntary action of all the members of society, nor of the State, who have never unanimously agreed to be governed in the least by the will of a majority, and many of whom submit only because compelled. This compulsory organization to whose maintenance each and all are forced to contribute, must, if entitled to support, have for its legitimate end some purpose justly warranting its compulsory establishment rather than any and every purpose to which the power it acquires may be directed.

What is this legitimate purpose of government, its primary object, that end which is so necessary that all persons may be justly compelled to unite and co-operate for its accomplishment? As affecting any one man the strongest possible government would be that of all other men combining to use their power for his control, while the weakest government would be that of some other one man who should alone control him. Two persons

at least are necessary to government, one to govern and one to be governed.

Beginning, then, with the simplest possible government, that which one man having the power might exercise over another, when would the use of that power by the one to control the conduct of the other be justly warranted? The mere fact that one had the power to control the other could not give him the right, otherwise a slight change in the physical condition of either or in the circumstances surrounding them might give to him that had been the weaker the power, and so with it the right to control the other. Might cannot make right. No argument is needed to convince the just mind that of two men alone upon the earth one would have no right to attempt to control or interfere with the conduct of the other, except in self-defense; that is, in protecting himself in the enjoyment of some natural right. The mere fact that one deemed the conduct of the other morally wrong could give the former no right to forcibly prevent or interfere with it, since the latter might no less honestly and perhaps with equal reason believe his conduct to be right, and in case of difference the stronger would prevail, leaving the wrong triumphant as often as the right; and, moreover, the latter might in any case well say to the former, "If God and nature



give me the liberty to conduct myself as I please, what right have you to prevent me so long as I do not interfere with you?" Self-defense has been called the first law of nature, and indeed it is the only natural law authorizing one man or many men to forcibly restrain another.

If, then, of two men one would have no right to coerce the other except in self-defense, when would any two of three men have a right to coerce or control the third? If when there were only the first and second, the latter had no right to coerce the former, what greater right would he have simply on account of the presence of the third? So long as the first interfered with no right of either the second or the third they would neither of them have any right to coerce him, and if neither had such right they could not both together have it, for twice no right would be no right still. Let the number of men be increased to tens, hundreds or thousands, and still so long as the first interfered with no right of any one of them no one of them would have any right to coerce him or control his conduct, and so long as no one of them had such right they could not all together have it. A million times zero is zero still. The right, then, of any man or of any number of men to interfere with or control the conduct of other men depends upon and

consists in the right of self-defense alone and may be exercised by one over many as justly as by them over him.

But although each man has a right to defend himself against wrong from others, no man has the right to compel another to aid in such defense, for the latter may in the exercise of his own right of self-defense consult his own interest and safety and decline to render such aid. The idea is not uncommon, because the State compels all to co-operate for the protection of each and all, that there is some natural obligation binding the community to protect the rights of individuals, that society is naturally responsible for the welfare and safety of its members. There is no such natural obligation or responsibility. Any number of men may if they choose voluntarily unite for the purpose of protecting themselves from wrong, but they have no right to compel others to aid in the accomplishment of such purpose, nor would such association constitute civil government which consists in the compulsory organization of the entire community into what is termed the State. The desire of never so great a majority to protect themselves and those naturally dependent upon them from wrong by individuals would never of itself warrant such compulsory organization, since the individuals of a

peaceable and well-intentioned minority might prefer to make each his own unaided, independent defense rather than incur the responsibility and danger of aiding in the defense of others.

There must then be some other object than the protection of individuals from the fraud or intentional violence of others to justify warrant that interference with personal liberty and restraint of the free exercise of the right of self-defense necessary to the institution and maintenance of civil government and the State. Attempt has been made to justify such interference and restraint by the fiction of a "social contract," whereby it is assumed that society has surrendered certain natural rights in exchange for the advantages of government, a conceit too fanciful for serious consideration. If such a contract were conceivable, it would have to be constantly renewed, for it could have no binding force upon men born after it was made and not voluntary parties to it.

In order to discover what necessity there is for this compulsory organization, what constitutes the primary object of civil government justly warranting the maintenance of the State and the exercise of its power, conceive of a community having no such organization, no form of government, the members of which depend each upon himself and



the voluntary assistance of others for whatever protection may be necessary to the enjoyment of natural rights. In such a community whenever a difference should arise between individuals its settlement would be left to the parties personally interested. If any induced by sympathy, hire or other motive, should lend their aid to either side in the controversy, their action would be voluntary and not under the compulsion or direction of the State; nor, as already seen, would the mere fact that one or more were suffering wrong at the hands of others warrant even the largest majority in compelling the smallest minority to aid in preventing such wrong.

It would, however, sooner or later become apparent that the unrestrained exercise of the right of self-defense by individuals was incompatible with the enjoyment of life and happiness, of natural rights, by any of the community. Even those so peaceably disposed and well-intentioned as never to have a personal difference, so averse to strife as to suffer wrong rather than create disturbance, would soon find their peace destroyed and their property and lives endangered by the contention of strangers. Disputes between individuals would so multiply, continue and extend, involving families, friends, neighbors and neighborhoods in the result-

ing strife, that tumult and riot would overwhelm even those that had no personal enemies, and whom no one desired or intended to harm, molest or disturb. No man could leave his home or place of business with any assurance that his family or property would escape the accidental violence and injury resulting from feuds in which he had no personal interest. Nor could individuals, however able to defend themselves from the fraud or violence of other individuals, successfully contend against the blind and furious violence of contending factions. The individual right of self-defense would be inadequate to the protection of property and life against its own unrestrained, unregulated exercise.

Then would a majority in power if not in number organize, not for the purpose of protecting individuals from the intentional fraud or violence of other individuals, but to prevent that disturbance and destruction of the public peace and order inevitably arising from the free and unlimited exercise of the right of self-defense by individuals. The right to organize for such purpose would depend, not upon the number of those undertaking to do so, but upon the necessity for such action. The largest majority might oppose any form of, or any attempt at government, preferring to live in anarchy, and yet the smallest minority would be justified in

maintaining the public peace and order, if they were able to do so, for they would be acting merely in self-defense. A majority would be essential only in order to insure the necessary power.

The preservation of the peace being the object of the organization, it would forbid whatever tended to disturb the peace, including all such exercise of the right of self-defense as had that tendency. The warrant for such interference with the right of self-defense is founded on the very right itself. Although the individual has the right to protect himself, his family and property, he has no right in so doing to injure or disturb his innocent neighbors; they, by virtue of their right of self-defense, may justly prevent his so injuring or disturbing them, and to that end may command and compel him and all persons to keep the peace and to forgo the exercise of the right of self-defense, if necessary, to the preservation of the peace.

In order, however, that the command to keep the peace may be the more promptly and certainly obeyed, and that no injustice may be done to any by its enforcement, it becomes necessary that such as in obedience to it refrain from exercising the right, shall be provided with as sure and ample protection as they might provide for themselves by its exercise; and since it is impossible to know how

complete a defense anyone might make for himself but for the interference of government, it devolves upon those commanding the peace to provide the fullest possible defense and protection in every case in which the individual is forbidden to provide it for himself. Hence arises the obligation of the government to secure to individuals the enjoyment of natural rights, of life, liberty and the pursuit of happiness, not from any natural obligation of society to the individual, nor from any natural right of the individual to demand such security from society, but because the organization known as the State, in order to preserve the peace, deprives the individual of the free exercise of his natural right to protect himself, and thereby obligates itself to protect him.

In order, moreover, that it may succeed in its attempt to preserve the peace and secure natural rights the State must undertake and carry on all such enterprises, if any, as are necessary to that end, but by reason of their nature or extent exceed the compass of unaided individual ability or private effort.

And further, to insure the accomplishment of its primary object, the preservation of the peace, and the efficient discharge of obligations incident thereto, namely, to secure natural rights and carry on



such necessary enterprises as can not be conducted without its aid, it becomes necessary for the State to compel all persons to contribute to its support, which, as already seen, it could not justly do, if its primary and only object were the protection of individual rights. It undertakes such protection and the carrying on of public enterprises simply because necessary to effect its primary object of maintaining the public peace and order. It cannot, however, be sure, as it must and ought to be, of accomplishing all these ends at all times and under all circumstances, unless it has supreme power. It must of necessity be at all times stronger than any and all powers with which it may have to contend. To insure this supremacy it must compel the recognition, support and co-operation of all persons within its jurisdiction. It cannot be too strong, for it is impossible to foretell what demands may be made upon its power. If any were permitted to stand aloof and independent, the government would be that much the weaker, so much the less able to compel prompt obedience to its commands.

Thus does each individual member of society become a member of the body corporate known as the State, not as the result of any natural law nor by reason of the voluntary agreement of all, but under compulsion of those promoting the organi-

zation, in which, however, each member has equal rights and for the administration of whose affairs each is to the extent of his influence equally responsible.

From the foregoing hasty outline may be gathered the basic facts and fundamental principles from which a science of government may eventually be developed. There is no such science as yet, for while the other useful arts have for the most part advanced to the scientific stage, that of government still lingers in the experimental. The reason is that in the other arts discovery and invention have been encouraged and stimulated by the prospect of profit and honor, while obloquy and death have been the reward of such as presumed to suggest a change in government, however desirable, or even to criticise the existing order. But although there be no science of government there is no good reason why the scientific method now so universally followed in other investigations should not, if possible, be applied to the study of government, nor why regard should not be had to axioms as well as maxims, to principle as well as precedent, in attempting to solve its so-called problems, many of which will prove simple indeed when the nature, reason and legitimate purposes of the State and

the obligations and limitations of civil power are clearly and correctly understood.

The evils, if any there be, for which government is responsible arise in every instance from its sins of omission or of commission, from its neglecting to do something that it ought to do, or from its doing something that it ought not to do. When once it is clearly understood what government ought to do, just what its legitimate functions are, it will be easy to decide what it ought not to do, for its action should be limited strictly to the discharge of its legitimate functions, any other use being an abuse of its power.

From what has been shown it will be seen that civil power may be legitimately used for any one or more of the following purposes only:

FIRST.—For the preservation of the government itself and the maintenance of its supremacy and sovereign power, which may be termed the self-preserving function of government.

SECOND.—For the preservation of the peace and public order, which may be termed its peace-preserving function.

THIRD.—For securing to each and every person within its jurisdiction the equal enjoyment of natural, inalienable rights, which may be termed its right-preserving function.



FOURTH.—For the accomplishment of such undertakings and the performing of such services, if any there be, as are necessary to the preservation of the peace or the security of natural rights but, by reason of their nature or extent, can not be carried on by private individual or partnership enterprise without the aid of government, which may be termed its public-serving function.

The exercise of civil power should be limited strictly to performing these four functions, and government may abuse its power by failing to fully and efficiently discharge some one or more of them, or by using it for some other purpose or by lending it for any purpose.

## CHAPTER II.

AMPLIFICATION OF THE FUNCTIONS OF GOVERNMENT.

—NATURAL INALIENABLE RIGHTS.— THE STATE  
SHOULD MIND ITS OWN BUSINESS.

The first, or self-preserving function of government includes whatever must be done to establish and maintain power necessary to the efficient discharge of its other functions. This power, as already seen, can not be too great, but justice demands that the expense and burden of its maintenance shall be as light as possible and equitably apportioned among the people.

Since the service to be rendered by the State is for the equal and common benefit of all, justice demands that the expense incident to such service should be shared equally by all. Persons without means, however, of whom there are too many in every state, seem unable to contribute their share, and taxes are therefore for the most part levied upon property, either directly upon what men save or indirectly upon what they spend. It is argued in justification of this method of taxation

for public expenses, that the owners of property are especially indebted to the State for the protection afforded their property, and that each should, therefore, pay in proportion to what he owns. The argument is without foundation in reason or fact. Thrifty and economical owners of property are, as a class, less trouble and expense to the State than persons without property; they are conservators of the peace, and protection should be given to their property because justly due in return for their foregoing and surrendering to the State the exercise of the natural right to protect it themselves. Each member of the body corporate known as the State should contribute equally to its support; and there is no reason why it should collect more from one man than from another, unless in payment for some advantage which it enables him to enjoy above others, the value of which he should then pay into a public fund for the common benefit of all. Such payment, however, would not be primarily of the nature of a tax, since it ought to be made even if there were no public expenses and no need of taxation, in which case such fund should be divided equally among all the individuals composing the State. But since there are public expenses which ought to be borne equally by each and all, if there be such a fund in which each and

all have an equal interest, common business sense would suggest the application of it to the payment of such expenses, and that other taxation should not be resorted to until that fund was exhausted; if it should prove sufficient to cover all public expenses and be used for that purpose, they would then be shared equally by all since paid out of a fund belonging equally to all. That such fund exists and should be collected by the State and applied to such purpose, thereby doing away with all necessity or excuse for prevailing systems of taxation, will appear later upon inquiring into laws relating to land, labor and property. It is in the exercise of this, its first function, also that the State protects itself by diplomacy or war against the invasions or encroachments of other governments, wherein appears clearly the necessity of compelling all persons within its jurisdiction to unite and cooperate for its support and defense.

In the exercise of the same function the government suppresses rebellion and prevents secession as alike incompatible with the maintenance of its supreme power. The real issue in the late civil war in the United States was whether or not the national government was supreme. In that war was demonstrated and established the principle equally dear to the North and to the South, that

the government must be stronger than any power or powers within it, a demonstration as invaluable to the country and its government, as was the blood of the brave men that on either side of that momentous issue took part in finally establishing that great fundamental principle. There can be but one government, one supreme power existing at the same time in any one place, and self-preservation is the first law of its being as of every other.

It is in discharge of this function, moreover, that the State is warranted, if at all, in undertaking to secure the education of all persons within its jurisdiction, not because it is under any obligation to provide instruction for anybody, but because its own safety depends upon popular intelligence in regard to matters of government, intelligent citizens being at all times as necessary as are trained soldiers in time of war.

The second, or peace-preserving function of government includes all such exercise of its power as is directed immediately and solely to the preservation of the peace and public order, for although every act of government has that for its ultimate object it is well for purposes of analysis and classification to distinguish between acts having that object only and acts which, in addition to that, their remote object, have for their direct and immediate



purpose the accomplishment of something intermediate but legitimate, because necessary to the preservation of the peace, the former class of acts belonging to the peace-preserving function, and the latter to either the third or fourth function according as they have for their direct and immediate object the preservation of some natural right or the carrying on of some necessary public service.

The peace-preserving function is exercised chiefly in prohibiting and preventing conduct which might be unobjectionable but for its tendency to disturb the peace. It is by virtue of this function that government interferes with the natural right of self-defense and forbids its forcible, peace-disturbing exercise whenever adequate protection can be by the State substituted and provided for the person foregoing such exercise. For instance, if property be stolen or unjustly detained, or premises unjustly occupied, the person injured has an undoubted natural right to use force if necessary in retaking such property or possession of such premises, but the State for the sake of peace and public order prohibits the use of force for such purpose and subjects whoever uses it to penalties which it imposes in the discharge of its peace-preserving function. In order, however, to insure the more prompt and willing obedience to its com-

mand, as well as in justice to him that obeys it, the government provides for the righting of the wrong by peaceably restoring the property or possession of the premises, thereby exercising its third, or right-preserving function.

The exercise of the peace-preserving function is directed largely against conduct commonly characterized as taking the law into one's own hands. It is exercised in preventing language that, although expressing not unmerited censure, would disturb the public peace, and also mutual combat indulgence in which might be nobody's business but the combatants', except for its peace-disturbing tendency.

The third, or right preserving function of government is by far the most comprehensive and complicated of all, and includes whatever is necessary to be done in order to protect man in the enjoyment of his natural, inalienable rights, and to make them secure in the case of every man and every right from the fraud or violence of other men. The ultimate object of this function as of the others is, as already seen, the preservation of the public peace and order, but so necessary to that end is the accomplishment of the direct and immediate object of securing natural rights that the latter has often been mistaken for the primary end, authorizing



motive and necessary cause of government. And although a secondary object in that it becomes legitimate only because necessary to the preservation of the peace which constitutes the sole warrant for the establishment of civil power, nevertheless the protection of man in the enjoyment of natural rights is so absolutely necessary to permanent preservation of the peace, to the stability of government and the just exercise of its power, that the framers of the Declaration of Independence were not far from correct in declaring that "to secure these rights governments are instituted among men." It matters not whether regard be had to what is necessary to insure its own permanence and peace-preserving power or to that justice without which the exercise of power is tyranny, the highest function of government is to make equally secure to every person within its jurisdiction as free and full enjoyment of every natural right as is compatible with the preservation of the peace and the supremacy of the civil power.

Efficient discharge of this function is impossible without a clear and definite conception of the natural rights of man. There have not been wanting those affecting to deny the existence of such rights, none of whom, however, it is believed, ever seriously questioned the validity of that first law of

nature the right of appeal to which is universally recognized as belonging to all men—the right of self-defense. But without primary natural rights there could be no valid foundation for the secondary right of self-defense, which must indeed arise from the violation of some primary right. If man had no rights, nothing of which it would be wrong for another to deprive him, there would be nothing which he could rightfully defend, nor any right of self-defense. Without rights there could be no wrongs which are but the violation of rights, and without wrongs there could be no just warrant for government, for there could be no justice in preventing what was not wrong nor in enforcing what was not right. The State cannot make right wrong, nor wrong right.

By natural rights are meant simply those relations which every man by the very nature of his being sustains to the universe and to preserve which from destruction or injury he may justly use whatever force is necessary. What are those relations? The first to suggest itself is that of life, the taking of which from man is universally admitted to be wrong unless necessary in the defense of life. Murder was none the less wrong before the giving of the ten commandments than after, the command, "Thou shalt not kill," being but the

enunciation of a law existing in the very nature of things. Every man has by nature the right to say to every other man, Thou shalt not kill me and I will kill you, if necessary to prevent you from taking my life. The right to life being the highest of all rights, primary and so sacred as to warrant even the taking of life when necessary to its defense, it must entitle its possessor to the enjoyment of whatever nature has made necessary to or provided for its preservation, support and healthful continuance, and man must therefore have a natural right to enjoy whatever is necessary to the preservation of an existence as healthful and happy as he can maintain by embracing the opportunities provided by nature for that purpose. To that end man should have the freedom to use his mental faculties and physical powers not only in protecting himself from violence, but also in laboring for food, clothing and shelter, in seeking, occupying and using localities most favorable to securing a subsistence, as well as to securing his health and happiness, the only natural and just limit to such freedom being that necessary to the equal freedom of other men. This freedom contemplates not merely freedom from imprisonment, from chattel slavery, the absence of restraint over man's conduct in any given place or places, but the freedom to go whitherso

ever and to remain wherever he thinks best and to occupy and to use whatever place or opportunity nature has adapted to the promotion of his happiness. That is not liberty in any complete sense which wants this freedom, against any unnecessary encroachment upon or restraint of which by others a man may as justly defend himself as against direct attempt upon his life.

Another natural right commonly given a separate classification is that of property, Man in the exercise of his liberty labors to produce that which is necessary or conducive to his life and happiness, but in order that his labor may not be in vain, that his liberty may be complete, he must control and make such use and disposition of the product of his labor as seems best to him. That product is called property because proper to him, *proprius*, his own. It is his, however, not because necessary to his life or happiness, but because produced by him. It might become necessary in order to save his life for him to appropriate the property of some other man, and that without permission from the owner, but such appropriation, although necessary, would no more render the thing so appropriated his property than the taking of another man's life in self-defense would render that life his own. Property is a natural right, common alike to all men, because



a right necessary to the existence of man; it is but the substance of the right to labor, and as there is no natural or just limit to the kind or amount of labor a man may perform if he chooses, except that prescribed by his natural ability and opportunities, so there can be no just limit to the kind or amount of property a man may acquire and hold except that prescribed by nature.

Life, liberty and property constitute a comprehensive classification of the natural rights of man; life and liberty being provided by nature, and property being acquired through the exercise of liberty. There are two ways of acquiring property, however, one by producing it and the other by receiving it in exchange for other property or for labor, that is, through contract, which although but the exercise of liberty may, nevertheless for convenience, be classified as one of the natural rights of man. A man may have produced certain property, but be in need of other property which he is unable to produce directly by his own labor, and he may desire to exchange some of that which he has for some of that which he lacks, for instance, bread for meat. If he finds another man willing to make the exchange to which they voluntarily and mutually agree, the bread thereby becomes the property of him that had the meat

which becomes the property of him that had the bread. The right of contract results naturally and of necessity from the rights of liberty and property. In its exercise property may be exchanged for property or labor, and labor for labor, the sale of labor being but the sale of its product whatever it may prove to be, that is, a transfer of the property resulting from the labor.

The right of self-defense, although natural and inalienable, is secondary in that it exists only by reason of the violation of some one or more of the above described primary rights of life, liberty, property and contract. It is in order that it may efficiently and not unjustly restrain and regulate the exercise of this secondary right, that the State in the discharge of its third function undertakes, and is in duty bound to secure the enjoyment of primary rights. This it seeks to accomplish through the enactment and enforcement of laws civil and criminal, having for their legitimate purpose the defining of rights and the securing of their enjoyment through direct protection and the infliction of deterrent penalties for their violation.

The fourth, or public-serving function of government has for its immediate purpose the carrying on of enterprises and the performing of services necessary to the peaceful enjoyment by all of nat-

ural rights, provision for which enjoyment cannot be made without the aid of the State. For instance, the right of liberty as already seen includes not only the right to occupy and use natural opportunities, or land, but also the freedom to go from place to place, or the right of locomotion. But the going from place to place necessitates the passing over intervening places which may be in the rightful possession of persons whose rights will be infringed by such passing, and who will disturb the peace in their defense; hence it becomes necessary, in order to preserve the peace and also to secure the right or freedom of locomotion to all, that highways shall be established and maintained over and upon which all persons may at all times freely pass at will. It is clear that nothing short of the supreme power of government is adequate to the establishment and maintenance of such highways, and that the principle applies not more to county roads and city streets than to the great railways of a country no one of which could be built or operated without the authority and aid of the State. The same principle applies to every natural monopoly and to every necessary enterprise whose nature or extent is such that it cannot be carried on as a private undertaking through the unaided effort and co-operation of natural persons. In this



class are street railways, municipal water works, gas and electric light plants, telegraphs and telephones. If a postal system, safe deposit banks and a legal tender currency are public necessities, and cannot be maintained without the aid of government, it should in the discharge of this function provide and control them. It should not, however, assume to carry on any gainful service or business that could be peaceably conducted by natural persons without its aid. To do so would be to unjustly interfere with natural opportunities for the support of life and the pursuit of happiness, and to deprive man of natural rights rather than to secure them to him. Nor is the fact that any given or proposed enterprise or undertaking exceeds the compass of unaided individual ability alone sufficient to warrant the government in assuming to carry it on or to aid in its performance. That an enterprise seems desirable or would be beneficial in its results, is of itself no sufficient reason why the State should undertake or aid its performance. It can legitimately do only those things necessary to the efficient performance of its primary or peace-preserving function.

All these four functions should in every case without exception be performed by the government itself through its own exclusively public servants

## GOVERNMENT.

independently of any and all interests save the public. Separation of Church and State is not more essential to good government than is the separation of the State from private interests of whatever name or nature. No man can serve two masters, nor can any man, the agent of a quasi-public, quasi-private corporation, render the best service to the public, especially when he holds his position subject to the will of private stockholders. The State should have no partnership with persons natural or artificial. It should mind its own business.

## CHAPTER III.

THE FUNCTIONS OF GOVERNMENT A GUIDE TO LEGISLATIVE REFORM; CONSIDERATIONS OF SYMPATHY, MORALITY AND RELIGION. — THE COMPOSITE RIGHT TO LABOR.

If the foregoing theory of government be correct, the question naturally arises as to whether it can be reduced to practice, and, if so, how?

If an opportunity were afforded for establishing government in a community that had previously lived in a state of nature without any of the restraints of municipal law, it might not be difficult to adopt a code of laws founded on correct principles. There is no such community, however. As men were from necessity forced to build houses long before there was a science of architecture, so have they from the first been compelled to establish and maintain governments often with little knowledge of the principles upon which they should be con-

ducted. But while unsatisfactory houses may be abandoned for new ones, governments have to be remodeled; they must be preserved and made to perform their primary function of keeping the peace while the work of remodeling goes on.

Existing laws and legalized customs must be examined with a view to discovering first, what legitimate function of government, if any, they are respectively intended to serve, and secondly, whether they are calculated to accomplish the purpose for which they were intended. Any law or custom not necessary to the discharge of some such function should be repealed or abolished, while necessary laws should be so framed and enforced as to effect their legitimate purpose only, the merely incidental effect of carelessly framed or cunningly devised laws being often productive of greater evil than any for whose removal they may be sincerely or ostensibly enacted. And if there be any natural right the equal enjoyment of which, by all persons is not practically secured by the government, no matter whether by reason of its failure to recognize the existence of such right or of its practical recognition of the validity of so-called vested rights that are but fictitious claims incompatible with such enjoyment, inquiry should be made whether it is to be secured by the repeal of

existing laws, the enactment of other laws, or by both such repeal and enactment.

The limits of this essay preclude any comprehensive systematic examination of existing laws which will be noticed only so far as may be necessary in illustrating the application of correct principles to the work of political reform, and in suggesting a rational, if not scientific method of solving certain so-called problems of government.

The first question to be asked regarding any reform proposed to be effected through legislation, is whether its object be one for whose accomplishment civil power may be legitimately used; whether the government be responsible for the existence or non-existence of whatever is sought to be abolished or produced by its action. Considerations of sympathy, morality or religion are never alone and of themselves a sufficient warrant for the action of government, although they may serve to call attention to the abuse of its power. For instance, if in examining existing or proposed Sunday laws it should be found that their sole object was to compel observance of and respect for Sunday as a religious duty, they would be wholly unwarranted, for no matter how sacred the day may be regarded by some men, no matter how holy it may indeed be, no man has a natural right nor any



right to compel another to observe it, nor have all other men any right to enforce its observance as a religious duty by any man. If, however, it be necessary to the health and happiness of man that he have an opportunity to rest from his accustomed labor one day in seven, such opportunity is a natural right, and if the aid of government be necessary to secure its enjoyment, then it becomes the duty of the State to do so in the discharge of its third, or right-preserving function. It is clear, moreover, that laws looking merely to the accomplishment of that end would not prohibit any conduct except such as prevented man from spending the day in rest and recreation. The State has no right to dictate in what manner a man shall rest, nor has it any right to forbid his working on Sunday if he wishes to do so; it has discharged its duty when it secures to him absolute freedom to work, to play or to rest, as he may prefer, provided he thereby interferes with the freedom of no other man.

The same course of reasoning applies to all laws having for their object the enforcement of purely religious or moral duties. Because blasphemy, lying, drunkenness, fornication or theft are violations of religious obligation or are morally wrong, is no sufficient reason why the State

should prohibit them. Unless their prevention be necessary to the securing of some natural right or to the preservation of the public peace and order, it is a misuse of civil power to use it for such purpose. Nor is it to be believed that the cause of morality or worthy religion would suffer from the restricting of the exercise of civil power to legitimate ends. Although almighty wisdom and power might have compelled all men to be moral and religious, every man has been given the liberty to go to perdition if he chooses to do so, and no other man has any right natural or acquired to prevent him, much less to compel other men to pay taxes in aid of such prevention. Time has been when zealous rulers have compelled whole communities to profess some particular faith or to participate in some religious ceremony, thousands of pagans, for instance, becoming nominal Christians in one day at the command of a victorious emperor. Such conduct was tyrannical, as is every attempt of the State to interfere with religious convictions or with the want of them.

The government most favorable to morality and to religion pure and undefiled is that which secures to every man the enjoyment of the fullest liberty compatible with the public peace and order, where every man is free to exert whatever in-

fluence he can, by precept and by example, individually and by voluntary association in religious or other organizations, for the enlightenment and improvement of himself and of his fellow men. There can be little doubt that the attempts of government to promote morality and religion by arbitrary enactments have greatly retarded progress in that direction. Freedom of thought, freedom of speech and freedom of action in regard to all subjects and questions are rights the enjoyment of which a just government is bound to secure to every citizen, to Jew and to Gentile, to Christian and to Pagan, to Catholic and Protestant, to believer and infidel. The infidel has no more right to coerce the believer in matters of faith than in others, and no more right has the believer to coerce the infidel; nor can government have any right to do what no one of the individuals composing it would have the right to do.

Nor is the State any more by right a charitable or alms-giving institution than it is a religious one. Sympathy is a noble impulse which man should have the liberty to obey, but no man can be rightfully compelled to obey another's impulse, however worthy.

Any number of men may make voluntary united effort for the relief of suffering of any kind,

but they cannot rightfully compel others not responsible for such suffering to contribute to its relief. Laws for the relief of the destitute poor must if warranted have some other foundation than sympathy, some other warrant than any real or supposed moral obligation binding the individual to relieve poverty for whose existence he is in no way responsible; that warrant, if any, must consist in the fact that such laws are necessary to the discharge of some one or more of the four functions of government. Nor can it be doubted that such warrant exists. In the discharge of its second, or peace-preserving, function the State must provide against peace-disturbing, law-defying hunger. Too many starving men would even endanger the government itself, rendering it powerless to discharge its first, or self-preserving function.

There is a growing impression, moreover, that existing governments are bound to provide for the destitute not more by reason of the primary and direct obligation to discharge legitimate functions than because of an indirect and secondary obligation arising from the neglect to efficiently discharge those functions; in short, that government is responsible for much of the poverty that exists, and should therefore relieve it. If such impression be well founded, it is clear that the efforts of the State



should be directed to the discovery and removal of what may be termed governmental causes of poverty rather than to compensatory legislation falsely called charitable. It is possible that, if government efficiently performed all its legitimate functions, secured to all its citizens the full enjoyment of all their natural rights, there would be no more poverty than would meet with prompt and ungrudging relief at the hands of those whose hearts are naturally moved to sympathy with suffering. Then, indeed, might it be more blessed to give than to receive. Under existing conditions, however, encouraged and maintained by the State, poverty is so great as to paralyze charity and stifle the generous impulses from which it naturally springs. Inevitable poverty is no disgrace to the poor, but that, if any there be, caused by stupid, unjust laws is a disgrace and just menace to the government producing it.

If attention be directed to legislation in the interest of labor, the question at once arises as to what legitimate function of government there is warranting action in that behalf. Idle men are, of course, a dangerous element in a community; they are not unlikely to disturb the peace, and a sufficient number of them might even seriously endanger the stability of the government itself; and



the State, in the discharge of its peace-preserving, as well as of its self-preserving function, may, doubtless, when necessary, provide employment for those unable to find it.

There is, however, a somewhat prevalent impression that the government is under some natural obligation to provide profitable employment for all its citizens, or that every one has a right to demand employment of the State. In view of this and of the persistent and constantly increasing demand for legislation in behalf of labor, it is important to decide what, if any, the so-called rights of labor are.

Why should the State provide labor any more than property, the product of labor? Why provide labor more than rest from labor? Why regulate the hours of labor more than those of sleep? No man has a natural right to demand employment from another, nor has any man, or any majority of men, a right to compel one man to employ another. If the State be under any obligation to individuals by which it is bound to furnish them employment, that obligation, must, like that of providing for the poor, be secondary in its nature, and arise from the neglect to efficiently discharge some one or more of its legitimate functions, and solution of the labor problem in so far as the State is

concerned, demands careful inquiry as to whether there be any such neglect.

Labor being necessary and natural to the support of life the right to life carries with it of necessity the right to labor, and any classification of natural rights may at first seem incomplete if it fails to specify the right to labor. Analysis will show, however, that what is called the right to labor is composite, being made up of and from the rights of liberty, property and contract, and that wherever these rights are efficiently and fully secured there will the enjoyment of natural opportunities for labor be unimpaired. If government be at fault in respect to labor, it must be by reason of the failure to preserve certain natural relations or conditions which would be and are natural rights independently of any relation they may sustain to labor, for the reason that every man may justly defend himself in their enjoyment whether for purposes of labor or otherwise, but which because of their relation to labor and for convenience of investigation may be called labor rights. Whether government discharges its duty to labor depends upon whether it secures to all persons the equal enjoyment of these so-called labor rights.

What are these rights, those natural conditions upon the existence of which full and complete enjoyment of labor and its legitimate result depends?

In the first place, labor must of necessity be applied to land, the only source from which life sustaining products of labor can be drawn, and the laborer must ever have a place in and upon which to be and to labor, so that occupancy and use of land is a labor right, one, however, to the enjoyment of which man is entitled, as already seen, by virtue of his right to liberty. Secondly, in order that his labor may not be in vain he must control and enjoy its product, so that the right of property is itself a labor right. Thirdly, any man may find it convenient, advantageous and even necessary to the complete enjoyment of his labor to exchange a part or all of its product for that of some other man's labor; or they may both desire to exchange labor for labor, or one may be willing to give and another to take an agreed price for specified labor, so that the right of contract is also labor a right the full enjoyment of which depends upon the liberty to buy, sell or exchange wherever and whenever the contracting parties may choose, whatever they may have a right to buy, sell or exchange, be it labor or property, the product of labor.

These, then, are the natural, reasonable and necessary conditions the enjoyment of which government, in the performance of its right-preserving

function, must secure to every citizen, in order to discharge its duty in respect to labor:

FIRST.—Freedom of access to land, for although a man may sell his labor to another, he cannot part with the natural right to labor for himself directly upon the earth, since it may become necessary to so labor in order to preserve life, no one desiring to purchase his labor or being willing or able to pay for it enough to support life.

SECOND.—The control and enjoyment of the product of his labor, or security of property.

THIRD.—The freedom to exchange his labor for the property or labor that others may be willing to give in exchange for it, or the liberty of contract, including the natural market for the buying and selling of labor and property, free from any restrictions as to persons or places and from any interference with or limitation of price or commodity except that arising from natural competition; that is, the exercise of the same right and the enjoyment of the same opportunities by other men, no one of them having any privilege or any monopoly, except such as may exist by reason of differences in the natural ability of individuals.

If the government secures these rights, that is, the enjoyment of natural opportunities for the occupancy and use of land, of the right to prop-



erty, and of freedom of contract, all of which it is bound to do in the discharge of its right-preserving function, then there can be no legitimate ground for legislation in relation to labor further than may be necessary to the preservation of the peace and public order. If, on the other hand, natural opportunities for the occupancy and use of land are not preserved and held equally open to the enjoyment of all persons, or if security of property or the complete freedom of contract be not fully maintained, then as a result the composite right to labor is not secure, and it devolves upon the State in the discharge of its right-preserving function to adopt measures adequate to the preservation of all the conditions necessary to its complete enjoyment.



## CHAPTER IV.

THE RIGHT TO LAND INALIENABLE. — LAND NOT PROPERTY. — A JUST SYSTEM OF LAND TENURE AND OF TAXATION.

In order to determine whether the natural opportunity and right to occupy and use land is efficiently secured to all persons attention must be given to existing land laws and the legalized system of land tenure. Under that system land is regarded and treated as property to be bought and sold, and to be accumulated and held for the exclusive advantage and benefit of whomsoever the law declares to be its owner, who may possess as much as he can acquire.

Inquiry is first to be made then as to whether land is property, and, if not, whether it can be treated as such without impairing any natural relation, condition or right which government is bound to secure, and it may be well, even at the risk of repeating ideas already expressed, to examine somewhat carefully into the right of every man to

land upon which to live and labor, as well as into the claim of right to property in land.

Since land is as natural as man himself, is not the product of his labor, can not be increased or diminished by him, but is rather a necessary condition of his existence on earth, all men alike sustain a certain and the same natural relation to land. How and when is it that any man comes to sustain any other or different relation? In order to ascertain the nature and extent of this common natural right to land, suppose that there was but one man upon the earth. His natural right to land would certainly be as great and as complete as if he were not alone. What relation would he sustain to the land? He would depend upon it for his existence, and would have the unquestioned, undoubted right to occupy and use as much of it as was necessary to the support and enjoyment of life. His right would be that of occupancy and use, and the boundary of his claim, both as to limit of time and space, would be the extent of his personal needs. Any other claim would be as idle and unfounded as any that he might make to the moon. Suppose the number of persons on earth to be increased by the coming of other men. What effect would their presence have upon the right of the first man? Would it be thereby increased or diminished, its nature or

extent or his relation to the land changed in any way from what they had been? There would be the same necessity for him to use land as before, and to the same extent, no more and no less. He had no reason for claiming more than he could personally use before the coming of other men, and the only possible reason for making greater or other claim after their coming, would be that some of them might use it for his advantage. But however much he might desire this, he could not claim it as a right any more than they could rightfully compel him to use it for them. Whatever right to land that man would have when solitary upon the earth must remain with him in society, every member of which having the same right. Even if there were not enough for all, each would be justified by virtue of the right of self-defense in defending himself in the use of as much as was necessary to his support. This natural right of every man to occupy and use land necessary and convenient for his support, carries with it, moreover, by virtue of the right to liberty, the freedom and right to take possession for such purpose, of any land not already occupied by some other man for the same purpose. If a location already occupied by him proves unsatisfactory, he may, by natural right and law, abandon it and take some other. So long,

however, as he holds land sufficient for his support, he can not justly take and hold other additional land to the exclusion of other men, since he exercises, satisfies and exhausts his natural right by continuing his first holding, no man having two natural rights to land nor any natural right to hold more than he needs to the exclusion of other men. The possession by any man occupying land sufficient for his personal needs of other land in addition thereto, must be subject to the natural right of other men to occupy and use such additional land, nor can any man become possessed of any other than his own natural right to land, unless he acquires it from some other man. The truth of the latter proposition will appear from the self-evident fact that all so-called rights are derived either from natural or municipal law; they are either bestowed by nature or conferred by man. Nature gives one and the same right in land to all men alike; if any man have other right, he must have acquired it from other men. But since no man has more than natural right to begin with, and since no man or men can part with more than they have, no men, not even the greatest majority, can convey to any man any other than their natural right, and any claim by any man of other than his own natural right to land, must be based upon and consist of some other man's or men's natural right which has



been conveyed to him and become his, if at all, by reason of such conveyance.

But is it reasonable to suppose that any man would ever, even if he could, part with or surrender to another his natural right to the use of land any more than he would the right to use light and air, which he would in reality do in relinquishing his right to land? He might indeed surrender to another the possession of some particular portion of land, but it would of necessity be with the expectation of finding and using some other portion; otherwise he would part with the necessary conditions of life itself, and he to whom the surrender should be made would be guilty of taking life, unless he recognized and assumed as a condition to his possession of the land surrendered the obligation to permit the man surrendering it to be and support himself upon that or other land possessed by the purchaser, an admission that the right to occupy and use land is inalienable and cannot be transferred by one to another, nor taken from one by another. The exclusive ownership or possession of land that another man has a natural right to use, and upon which he depends for support, must of necessity involve not only the ownership of the land but also of the man himself, together with the right to deprive him of life itself.



But while it is not reasonable to suppose that any man would voluntarily part with his natural right to land even if he could, is it any more reasonable to think that any man possessed of and enjoying his own natural right would desire to become possessed of another's? Of what advantage would it be to a man, having and enjoying the right to breathe what air he could, to become possessed of another man's similar right; or as already suggested, having and enjoying the right to use all the land he could, what use could he make of another man's similar right, unless he could use the man with and upon the land?

It must be clear that if any man is to hold other or greater title to land than that which he holds by natural right, he must acquire it from some other man or men. But what title to any particular land can one man give to another? He that surrenders possession must of necessity, as already seen, to do so with the expectation of occupying some other portion of land. By what right will he take possession of that other portion? It can be only by virtue of his own natural right. But, if while surrendering possession of some particular land, he retains and carries away with him the only right by which he held it, what right or title can he give to him to whom he yields possession? The

latter takes and holds possession by virtue alone of his own natural right, which can be neither increased nor diminished by any act of himself or of other men. The natural right to land, included as it is in the right to liberty, is inalienable, and is at all times and everywhere possessed alike by all men, no one of whom can ever part with it or become possessed of any greater, less or different right to land. Any and all claims of title to, and every possession of land, must be subject to the natural right of all men to land, and any system of land tenure that fails to secure all men in the enjoyment of that right exists in violation of such right. The claim of exclusive ownership recognized and upheld by existing law and custom is without foundation in nature, and can be enforced only in violation of natural right. The State instead of securing natural rights uses its power for their destruction by maintaining the existing system of land tenure. Instead of being real property, as it is called, land is really not property at all, and the fiction by which it is regarded and treated as property is far from harmless.

In order that all men may enjoy their natural right to land, it should be possible for any and every man, not finding the opportunity or not desiring to sell his labor to another, to find and occupy land

upon which to labor for himself, and that without paying any man for the opportunity. There are but two methods of profitable labor, one by laboring for one's self and enjoying the product, the other by selling labor for wages. The former is primary, the most natural and must be always open and practicable, or the latter ceases to afford natural advantages for the sale of labor, since, if there is no opportunity to labor for one's self, the laborer is forced not only to work for wages but for whatever wage is offered, and even to go without employment, if no one is willing to hire him. Such is the condition of many laborers to-day, land being held as property by some men to the exclusion of others who are not permitted to labor on it for themselves, and can find no one to employ them. The inevitable result is idle men, a glut in the labor market, and low wages for such as find employment. So long as government is responsible for this result, it is under obligation to make such reparation as it can to those whom it permits to be deprived of the natural right to labor. As was said by Jefferson, "The earth is given as a common stock for man to labor on, if for the encouragement of industry, we allow it to be appropriated, we must take care that other employment be furnished to those excluded from the appropriation. If

we do not, the fundamental right to labor on the earth returns to the unemployed." That fundamental right, indeed, has not been, can not be taken from man; he is simply deprived of its enjoyment, and that by government whose proper function is to secure such enjoyment. Nor does the encouragement of industry demand any such appropriation of land as to deprive any man of opportunity to use it, nor can industry be encouraged however much speculation may be stimulated thereby. Man is never really benefited by the violation of natural law; whatever seeming gain may result therefrom to some, is at the real loss of others, nor is that gain for the ultimate good of even those that reap it.

The injustice and injurious results of land speculation may be illustrated by a single and by no means unusual transaction. Bearing in mind that property, an abundance of which is commonly called wealth, is always the product of labor on land, suppose that some man buys unoccupied and unimproved land which he holds unoccupied and unimproved until by reason of increased demand he sells it for a net profit of a thousand dollars over and above all that it has cost him, including taxes, incidental expenses, his original investment and interest thereon. Whence comes that thou-



sand dollars, that gain of wealth to him? It is the product of labor on land, but not of any labor of his nor of the labor of any one on that land which has been unproductive. It is beyond question the product of the labor of some other men on some other land. What value does he give for that product, what compensation do those men receive for it or for the labor that produced it?

It may be argued that since men hold land for profit and will naturally permit other men to use it whenever a profit can be made thereby, the use of land is not prevented or discouraged by exclusive possession under claim of ownership. It should be remembered, however, that one cannot realize profit from the labor of other men unless its product be more than sufficient for their support while they labor, and that when labor on land will not produce more than a subsistence for the laborer he will not be employed on land held for profit. If the land were free to him, however, he would gladly use it even for the meagre support it might yield, rather than suffer want, as he must when excluded from the land and unable to find an employer.

Whether government discharges its duty to every citizen in respect to labor as related to land or whether there is something which it ought but



neglects to do, may be seen by supposing a young man to become of age with nothing but his labor to depend upon for support, as is or has been at some time the case with most men; that he is unable to find any one to employ him or pay living wages for his labor, as is too often the case; and that although there is within easy reach abundance of unused land upon which he could support himself if permitted, it is as is generally the case all in the the exclusive possession of men who forbid his occupying it without paying them for so doing. Is it not clearly the duty of the State in the discharge of its right-preserving function to so modify its land laws that that young man and the thousands of other men similarly situated may be enabled to occupy and use as much land as may be necessary to their support, provided they do not thereby interfere with any other man's natural right to land? Whoever suggests in this connection that the landless man may obtain the use of land by sharing the product of his labor thereon with the so-called owner of the land should be again reminded that such product may be and often is barely sufficient to support the laborer and those naturally dependent upon him. Land producing only enough to support the laborer has really no value, and the holding of it unused by some men to the exclusion

of others who would use it if permitted, is made possible by the State as a result of treating land as property, and is a species of most pernicious tyranny, for which the State alone is responsible, since it could not be practiced without the aid of government.

The present system of land tenure not only fails to secure the enjoyment of natural rights to land, but even renders it impossible for the majority to enjoy them, and the first step to be taken by the State in solving the labor problem and with it many other problems is the adoption of a system that shall secure such rights to all. With a view to that end it is sometimes suggested that no man should be allowed to hold more than a certain number of acres of land to the exclusion of other men; that by such limitation there could be no such appropriation as to prevent any man from occupying land. Such limitation, however, although it might enable every man to occupy land, would not secure the enjoyment of equal rights to land, while it would at the same time prevent the natural and most beneficial use of it. Under such a system the land of one man might be so much more productive or valuable than that of another that while the latter could barely make a living on his the former might live on his without labor, its product

being sufficient for his support, and also to pay living wages to men hired to cultivate it. It is not equal amounts of land, but equal advantages for making beneficial use of it, to which all men are entitled.' Nor would such a limitation be desirable even if all land were equally productive, for as some men do not care to maintain permanent exclusive possession of any land, there is no reason why other men should not if they desire make use of whatever the former decline to use.

A just system of land tenure must not only make it possible for every man to occupy land, but also provide that persons permitted to enjoy advantageous holdings shall account for the value of the advantages they enjoy to those equally entitled to but foregoing such advantages. For simplicity of illustration, suppose five men to be jointly and equally interested in a certain tract of land which they are about to occupy, dividing it into five farms, one of which each man is to make the permanent abode of himself and family, and that the several farms are so different in fertility that a good living can be made on the best one with little labor while the poorest yields only a meagre support to the most unremitting toil. How can those men take and hold possession each of one of those farms as a permanent home and at the same time share

equally in their common right in and to the whole tract of land? It is but reasonable to suppose that some one of them would be willing to pay what might be agreed upon by all as a fair price for the first choice of locations, say one hundred dollars; that another would pay seventy-five dollars for the second choice, another fifty for the third, still another twenty-five for the fourth, while the fifth or last man would pay nothing, for he would have no choice, but would take what was left. The several sums so paid, amounting to two hundred and fifty dollars, would clearly belong to the five men in equal shares, because resulting from the sale of that which belonged equally to them all, and divided among them would give fifty dollars to each, reducing the sum to be actually paid by the first chooser to fifty dollars, which might well go to the last man to make up for the extra labor necessary to make his land as productive as the average; the second chooser would actually pay only twenty-five dollars, which would go to the fourth man to render his land as productive as the average, while the third man, the price of whose choice was fifty dollars, would actually pay nothing, his land being of the average to which the different tracts had been reduced by the paying or receiving of a money difference in value. By this arrangement each man



would come as near to sharing equally in the natural advantages of the whole tract as would be practically possible. The choice price paid for superior localities would be rent, which is as natural as land itself, and the nature of which will appear more clearly perhaps if it be supposed that the poorest farm produces but ten bushels to the acre, the next yielding fifteen bushels to the same labor would have a rental value of five bushels to the acre; the next producing twenty bushels would have a rental value of ten bushels; the next producing twenty-five would have a rental value of fifteen bushels, and the last or best farm, if it produced thirty bushels to the acre, would have a rental value of twenty bushels, while the first or poorest farm would have no rental value, and is called no-rent land, being the least desirable land in use. Rental value, the only value that land has, results naturally from difference in fertility or in desirability for any use, from naturally inherent qualities or from advantages of location produced by the presence, labors and necessities of a surrounding population, and this value belongs in each and every instance to no particular individual or individuals, since no individual ever produces it, but rather to all men, for the natural right to land attaches not merely to no-rent lands but also to those



having rental value whose advantages should be shared equally by all, no less than the benefits of no-rent land.

Our present system not only permits certain individuals to appropriate to themselves the rental value of all land, but also enables them to exact a price, an artificial rent, for the use of no-rent lands, practically excluding other men from such use since no-rent lands seldom yield product sufficient to enable the laborer to support himself and pay a price for possession. The result is that many men are forced to sell or try to sell their labor which no man is compelled to buy. The system also enables the so-called owners of valuable lands to cultivate or render them otherwise productive through the labor of landless men at such wages as to make it unnecessary for such owners to perform any labor since they can thereby live on the labor of others.

A just and equitable system of land tenure will hold no-rent lands open and free to the occupancy of any persons desiring to use them, and compel those occupying valuable lands to account to the public for their annual rental value. For illustration let the above supposed tract of land represent a country; suppose that instead of five its occupants are ten men who shall represent the State; that four of

them are occupying choice locations or valuable lands for which they pay two hundred and fifty dollars rent; that the other six occupy, some of them, no-rent land, and others no land at all, but work upon valuable land for wages. It is clear that the rent fund of two hundred and fifty dollars belongs to all the ten men, each being entitled to twenty-five dollars. Suppose, further, that certain necessary expenses are to be incurred for the common benefit of the ten men, to defray which it was proposed to levy a tax upon them. Would it not be wiser to apply the rent fund to the payment of such expenses, each man thus paying the same amount as in justice he should? Upon the same principle the State should require the holders and so called owners of valuable land to pay its annual rental value, that is, the rental value of the bare land regardless of improvements thereon, into the public treasury, the total amount to be applied, as in justice it should, to the payment of public or government expenses, rendering other methods of raising a revenue as unnecessary as they are vexatious, injurious and unjust. Under such a system valuable agricultural or mining lands and city lots now held vacant and unimproved in the expectation of an advance in their selling price would either be put to

productive use by their present holders or abandoned to somebody willing to make such use of them, while the no-rent lands would be free to the occupancy of any desiring to use them affording such as were unable to find employment or did not care to work for wages, the natural, never failing opportunity to labor for themselves, and capital no longer driven into hiding to escape taxation, would seek investment in productive enterprises, thereby increasing the demand for labor and the rate of wages.

What valid objection can there be to the gradual introduction and adoption of such a system? It would not be State ownership of the land, for, as already seen, no man can own land; no more can many or all men, the State, own it. The State even now, as it must, in order to keep the peace and secure natural rights, assumes to regulate and control the possession of land, and it would do no more under the proposed system. Permanency of individual possession would be no less secure than now, depending then as now upon payment of the so-called tax, each man paying for whatever advantage he was permitted to enjoy to the exclusion of others who are as much entitled to it as he, while the poorest person could always find and

occupy no-rent land upon which there would be little if any tax. Those now holding land would continue to hold as much of it as they cared to use, while those now unable to get possession of any would be enabled to occupy some of that which is now of no use to anybody. That it would be a virtual confiscation of economic or ground rent is no valid objection to the proposed system since, as already seen that rent really belongs to the public rather than to private persons. If there should be any so unfortunate in speculation as to have all their means invested in vacant, unimproved land the selling price of which would be lost to them by reason of the State's appropriating the annual rent, they, in common with those whom their possession now excludes from land, would be in better condition than the latter now are, for they would be free to retain all that they could profitably use. The income of landlords would be diminished but few if any persons would be reduced to poverty, while vast numbers would be raised from poverty to self-supporting independence, simply by having restored to them the enjoyment of natural rights of which they are now unjustly deprived.

A just system of land tenure as well as an equitable system of taxation demands that econom-

ic or ground rent shall be collected by the State and appropriated to the payment of public expenses. Its adoption would go far towards solving the labor problem, the problem of poverty, and the many problems of vice in so far as the State is properly charged with their solution.



## CHAPTER V.

FREEDOM OF CONTRACT.—NATURAL COMPETITION.—

PERSONS NATURAL AND ARTIFICIAL.—CORPORATE

PRIVILEGE.—TRUSTS.—CIVIC CORRUPTION.

But since security of the right to labor depends not only upon access to land, but also upon enjoyment of the right of property and upon freedom of contract, inquiry should not be limited to land laws, but should be also directed to all laws in any way relating to or affecting that right or that freedom, whether directly or indirectly.

It will at once be seen that existing land laws violate the right of property in that they deprive men of the natural and only certain opportunity for acquiring property, namely, free access to land. It is also clear that prevailing methods of taxation and raising the public revenue are unjust interferences with that right, for man has a natural right to possess and enjoy the full benefit resulting from his industry and economy, and there is no justice or wisdom in subjecting him through taxation to a penalty proportioned to his thrift. Those methods

at the same time interfere with the freedom and impair the right of contract, for man has a natural right to manufacture, buy and sell without let or hindrance, and to compel him to pay a license or tax for exercising the right is an unwarrantable interference with his freedom of contract. These violations of labor rights will, however, as already shown, disappear upon the adoption of a correct system of taxation and land tenure.

But since the right of contract depends also upon the unrestricted freedom to contract with any and all persons, at all times and in all places for the buying, selling or exchanging of whatever may rightfully be the subject of barter, any and all laws directly or indirectly restraining, or unnaturally stimulating or encouraging the manufacture or sale of commodities, making it easier for some than for others to engage or continue in any industrial pursuit, or changing in any way the relations which naturally exist among the members of a community so as to affect the natural inclinations, tendencies and abilities of men to produce and exchange, are unwarranted and injurious interferences with the freedom of contract and should be abolished unless absolutely necessary to the preservation of the peace.

No fallacy has been productive of greater in-

jury than the popular one that it may be the proper business of the State to promote or encourage private enterprises by legislation in that behalf. Sometimes it is attempted through subsidies, but more often and very generally at present by granting to individuals certain immunities or privileges which, although nominally free to all, can not in the nature of things be enjoyed by all. The result is that persons already enjoying the superior good fortune of being in a position to avail themselves of the favor of the State, are by such favor enabled to enjoy still greater advantages over the less fortunate, and the relations which naturally exist among men, and which constitute the natural field for industry and the natural market for the exchange of labor and its products are disturbed to the advantage of some and the injury of others. In the absence of any interference by the State other than that necessary to the preservation of the peace, men would engage in callings according to their respective tastes and abilities, some in one and some in another industry, some on their own account and some for wages, some alone and others in associations known as partnerships, but all alike subject to natural obligations, limitations and laws. Different persons might engage in the same branch or kind of business, competing with each other in

their efforts to succeed and endeavoring to please their customers and employes upon whose patronage and good will their success would depend. Those offering the highest inducements would be the most successful, while those not meeting with satisfactory success could, when land was free and enterprise no longer hindered by inequitable taxation, readily find some other occupation better suited to their ability. Such would be the natural condition of labor and of trade, the price of labor and of commodities being controlled by a natural law, that of natural competition.

By natural competition is meant simply the common, universal and commendable endeavor of natural persons to realize each the largest rightful return from the application of his personal efforts to natural opportunities, those efforts including whatever service may minister to the rational desires of man. Differences in taste and natural ability will result in the distribution of personal efforts among the varied pursuits necessary to the gratification of those desires as well as in varied degrees of success, but so long as each individual enjoys natural opportunities and has to compete with only natural persons no one can justly complain of another's success since each enjoys all his natural rights and no one has the unjust ad-



vantage of privilege. Such competition, however, can not exist under prevailing laws, nor would the adoption of a just system of taxation and land tenure alone wholly restore it. As long as the State continues to create and protect those artificial persons called corporations, so long will natural persons be deprived of the benefits of natural competition because compelled to compete with persons unnaturally and excessively strong and powerful.

To illustrate some of the inevitable results of granting corporate power, conceive of a country in which such power had never been granted where there are hundreds of individuals and firms engaged in some particular branch of industry employing thousands of workmen, the amount of capital invested by each ranging from hundreds to thousands of dollars. Some of the larger concerns will not unnaturally endeavor undersell and drive out the smaller, but the great number of competitors with their varied and conflicting interests defeat such attempt, and all succeed in making a living profit. No one firm can afford to sink the money necessary to drive out the rest without great risk of weakening itself and becoming a prey to similar attacks from others, and so, left to natural conditions and relations, the stronger are compelled to submit to the spirited competition of the

weaker. Individuals may indeed combine, forming a gigantic partnership with much capital and the intention to undersell and drive out the rest, but such an undertaking is, under natural conditions, too full of uncertainty and danger, capital is timid; a large number of partners each having a voice in the management of the business can seldom work together harmoniously for any great length of time; there is lack of the oneness of design and unity of action necessary to success; the interruptions, changes and delays arising from deaths in the firm and from other causes become more frequent as the number of its members increases; these considerations, and above all the liability of each member for all the debts and obligations of the firm, tend to deter the strong and protect the weak from such piratical enterprises.

Let the State, however, permit and enable these enterprising individuals to invest as much of their own capital as they may choose to risk, together with whatever they can induce others to invest, in a venture wherein they shall be legally liable each only for the amount he invests, no matter how deeply the concern may become indebted to others, each man's interest in the business being represented by certificates of stock which can be shifted from hand to hand without interfering with the

steady, uninterrupted prosecution of the business, the management of which is entrusted to agents whose employment and salaries depend upon their making the enterprise pay, and these favored individuals relieved of nature's wise limitations to the gratification of human greed, not as natural persons but as an artificial person, with vastly larger capital than could be accumulated or wielded by natural persons, are enabled to undersell their less powerful competitors and can afford to sink money in driving one after another from the field until at last, by virtue of the aid of civil power, they have a complete monopoly of the business. The corporation may seem to have lost money; it pays no dividends and its stock is below par; outsiders who have been induced to purchase are willing to sell their shares and the insiders, the promoters of the scheme, with feigned reluctance buy them at a discount, well knowing that every share is really worth more than par, since by reason of the acquired monopoly and power to fix prices without fear of competition the concern will pay the largest dividends.

The above is but an imperfect illustration of what has taken place and is still going on in every town in the United States. Small capitalists have been and are being compelled to abandon all at-

tempts to use and manage their capital in the employment of labor and the prosecution of individual or partnership enterprises, their only opportunity being to invest it in corporate enterprises with fair prospect of an early "freeze out." The majority of men are by this, the unwarranted action of the State, deprived of natural opportunities for making use of their capital and forced to compete with capital vastly aggregated by reason of privilege and controlled by artificial persons too powerful to be successfully withstood. And what is the natural, inevitable effect upon labor and wages? Before the corporation was created the hundreds of competing manufacturers in the community afforded a natural market for labor in that particular line of industry. If one engaged at such labor were dissatisfied with or discharged by his employer he could generally find another at slightly reduced if not equal or better wages. The large number of employers, their varied circumstances and tastes, some preferring small profits and happy, hopeful workmen to large profits and underpaid, discontented laborers, would prevent successful combination to arbitrarily fix the rate of wages, which would be left to the adjustment of natural conditions of supply and demand. But with the establishment and success of the corpora-



tion, there comes a change; there is now but one employer, the superintendent of the monopoly; laborers must work for him or quit that line of industry, and must accept such wages as he decides to offer; they may seek some other community in which to ply their craft or trade, but will find that the corporation has preceded them, controlled it may be by the same specially favored and protected capitalists from whom they have fled, or combining with them in the effort to reduce wages to the lowest possible rate. There is no longer any market for that branch of labor. There is practically but one buyer. There is no freedom of contract. The laborer must accept what the combined corporations offer and when they offer it, or starve. He acts under a compulsion arising not from natural conditions but enforced by the strong, stupid hand of government in violation of every principle upon which its power can be justly evoked, a hand stretched forth to secure no right, to perform no public service, to promote no worthy end, but simply to aid those already the best able to help themselves in doing that which they could not otherwise do, to the incalculable injury of other men.

It may be urged that dissatisfied workmen can seek some other occupation or branch of industry, to which it is to be answered first, that the State

has no right to make it necessary for them to do so, and, secondly, that all occupations and branches of industry are being seized and monopolized in the same way, and the great majority of employers driven into the overcrowded ranks of those seeking employment. Well merited public indignation has of late been directed to gigantic trusts and their arbitrary control of the output and prices of various commodities. These so-called trusts are but the natural and inevitable result of corporate power and privilege without which they could not exist, and the most injurious, iniquitous and demoralizing of them all is the labor trust which has existed longer than any other and will continue as long as private corporations are permitted to exist.

It has been seen that under certain circumstances the laborer may have a right to demand that the State shall provide him with remunerative employment, that is, when government has by its unwarranted action interfered with some of his labor rights, but it has yet to be seen that the capitalist ever has any just ground for asking the State to do aught to render his capital more remunerative, or to provide opportunities for its investment. It can not be denied that corporations are formed in the interest of capital for the purpose of increasing its power. The power of capital is, however,

but the power of individuals who will, not unnaturally, use it for the still further increase of their power and for the control of other men. The way in which they use it, crushing the competing enterprise of individual capital and destroying the labor market together with all freedom of contract for the sale of labor or its products, has been already faintly illustrated. When analyzed an ordinary private corporation is seen to be a combination of individuals who, having been so much more successful or fortunate than their fellows as to possess or control greater wealth and to that extent be better able to contend in the struggle for more, have received from the government as a special favor still greater power of competition which they may legally use, not simply to their own advancement but to the positive injury of others, and in such a way as to be relieved of any possible inconvenience that might arise from those natural sympathies and compunctions which sometimes restrain natural persons from using their power to the injury of others.

But it is not alone through the exercise of their power to monopolize the use of capital and to tyrannize over labor that corporations are detrimental to individuals and the State. They have a most predominant and corrupting power over the

action of city councils, of State legislatures and of Congress, while courts and executive officers can not fail to be more or less subject to their baneful influence. Public affairs, municipal, state and national, are to-day controlled not by the natural persons constituting the State, but by the artificial persons created by it.

One of the most injurious results of granting corporate power is the practical destruction of real freedom of the press. The journalist no longer expresses his honestly conceived opinions, but is compelled to write at the dictation of those whom the State enables to monopolize the metropolitan newspaper and even to say what news shall be published and what not. Intelligent public opinion is impossible without an independent press, which is impossible without the independent editor.

Stock gambling, withdrawing so much of the energy and capital of the country from useful investment to be squandered in speculations productive only of financial insecurity and general distaste for legitimate pursuits, is another wholly evil result of corporations. There is hardly a feature of corporate influence that is not hostile to society in general. The State has at all times found difficulty enough in compelling the obedience of natural persons. What reason is there for presuming that the vastly more powerful but no less ambitious



artificial persons of its own unwarranted creation will be any more easily controlled?

It must be admitted that the grant of corporate power for the prosecution of ordinary business pursuits is foreign to any legitimate function of government, and a flagrant abuse of its power. The excuse generally offered for incorporating private companies is that the public interest demands the prosecution of many enterprises too great for unaided individual effort and capital. It is well to guard against too ready concession that any proposed enterprise is so necessary to the public welfare as to warrant its promotion by the government, but when so necessary it becomes, as already seen, the proper business of the government itself, and should not be farmed out to private persons, either natural or artificial.

Private corporations are an unnecessary, unmitigated and inexcusable evil whose removal is demanded in the interest of labor, of property, of liberty and of good government. No more of them should be formed, while those already in existence should be shown no favors but treated with a rigorous justice in view of their natural tendency and unnatural power to monopolize the opportunities for and the products of industry, and to corrupt and control the government. Such as have

been formed for the prosecution of ordinary business enterprises should receive every encouragement to dissolve into natural persons, while undertakings too great for unaided individual or partnership management and yet necessary to the common good, for instance, railroads, telegraphs and other natural monopolies, should gradually pass under the control of the State.

The only serious objection to government control of such necessary monopolies is that it would greatly increase the number of public servants and the power of government patronage. Like objection might be made, however, to any and all public servants and patronage with which it would be well to dispense altogether if the necessary government could be maintained without them. The State has, however, certain plain duties to perform; there is a direct and rational method of performing them, nor will they ever be efficiently and equitably discharged in any other way. There are necessary burdens, inevitable evils incident to the exercise of civil power, but they cannot be lessened by the abuse of that power nor by shirking any of the responsibilities of its exercise. There can be no more danger in the State's controlling the power and patronage incident to the management of any great enterprise than there is in per-

mitting a private corporation to control them. When governments shall learn that there is nothing which they can rightfully grant or barter away; when they shall have no interests to consult except the common public weal, nor any persons to deal with except natural ones, the evils to be apprehended from the control of public patronage will be greatly diminished; and it might be well even then on general principles to provide that no public servant or office holder shall vote during the term of his service, a prohibition in which there would be no hardship, since no man is compelled to accept official position. Certain it is that the evils to be reasonably apprehended from government ownership and control of the limited number of necessary enterprises exceeding the compass of unaided private effort and capital could not compare with those already suffered by reason of the almost complete substitution of artificial for natural persons in the use and control of productive capital, and even of the government itself.

## CHAPTER VI.

A LEGAL TENDER CURRENCY SHOULD BE PURE  
MONEY ISSUED BY THE GOVERNMENT ONLY.—  
WHAT IS PURE MONEY?

Following the same rule and principle of action, that of minding its own business, the government should itself directly and without the intervention or aid of corporations do whatever, if anything, necessary to be done in regard to the issue and control of a legalized circulating medium of exchange. What that medium should be is a question upon which men may honestly differ for a time, but there can be no serious question as to the folly and injustice of enabling certain privileged private persons to exercise greater power for controlling or influencing the national currency than can be exercised by other persons, and the first duty of the State as regards currency legislation is to assume absolute control of the whole matter, in so far as it is a subject proper for legislative action. If there be any business usually transacted by banking corporations which is neces-



sary to the public welfare and can not be carried on by unaided private enterprise, it should also be conducted by the State.

In attempting to solve the money problem which is very generally believed to be intimately connected with the problem of labor, and in fact with almost every government problem, reference must be had as in every case to the functions of government with a view to discovering how and to what extent, if at all, the State is properly charged with its solution. The right of contract contemplates the freedom to exchange commodities or services one for another. A transaction of this kind is termed barter, the object of the parties being to dispose of something less desired for something more desired. For instance, one having meat more than he desires to use, exchanges it for bread which he wants, or finding no one willing to make such exchange, for something which he thinks will be readily and generally received in exchange for bread, and which he accept as a medium for effecting the exchange which he really wishes to make. Different commodities have from time to time come to be conveniently and generally used as such medium, as gold and silver are at the present time used. There can be no just warrant, however, for the State's adopting and enforcing the use of any particular medium however convenient, unless its ac-

tion in that regard be necessary to the maintenance of the government, the preservation of the peace, or to the securing of some natural right. It is said that a medium of exchange facilitates barter and promotes industry and prosperity, which is doubtless true, but it is by no means necessary to the preservation of the peace nor to the securing of rights that the government should provide such medium or declare what it shall be, for men might well be left to make use of whatever such medium they found most convenient and acceptable, no one being bound to accept any. That contracts might be made the performance of which the State would be unable to enforce, would be no fault of the State whose duty it is to secure natural rights and not to create artificial ones, and it is a serious question whether a legal tender money, at least any that has yet been devised, is not on the whole as much of an injury as a benefit, in so far as it has any direct influence upon society.

The necessity for government money, a legal tender currency, if there be such necessity, arises from the impossibility of carrying on the exchanges necessary to be made between the State and individuals by means of ordinary barter. In order to maintain its power and perform its other functions, the State must call upon individuals for commodities and services for which it must, in justice,

repay them value for value; to provide for such payment it must collect from each of the people whatever share of the public revenue may be due from him, that depending as already seen upon the value of advantages which he is by the State enabled to enjoy over those having no advantage. It is clear that all this paying for services and commodities furnished the State by a comparative few of the people, and this collecting of revenues from the many, can not be effected through the direct exchange of commodities and services between individuals and the State, that is, through barter. In place of ordinary barter the State resorts to the same device as that adopted by individuals in dealing with each other, some medium of exchange which shall be accepted by individuals in exchange for services and commodities they may furnish the State, and also by the State from individuals in payment of their respective shares of the public revenue. In order, moreover, that this medium may be the more readily received by individuals in exchange for whatever it may desire to purchase from them, the State provides that this medium shall also be receivable by all persons within its jurisdiction in payment for any and all dues public and private, that is, makes it a legal tender.

It is clearly the duty of the State, in assuming to enforce the use and acceptance of any particular medium of exchange, to provide one that shall work as little injury as possible to anybody. In this, as in every case of interference by the State, it should be remembered that every act of government of special advantage to any person or persons results in corresponding disadvantage and injury to others. For instance, to make any particular commodity the legalized medium of exchange is an advantage to those possessing such commodity or having superior facilities for acquiring or controlling it, and a corresponding disadvantage to others. It is an interference with the natural relations existing among men, a creation of new conditions, rendering some men more able to compete with the rest than they would otherwise be. It moreover injures the creditor or debtor in contracts for deferred payment, and also the possessor of such legal tender on the one hand, or of commodities on the other hand, for it to be so constituted that its unit shall materially change, that is, either depreciate or appreciate in purchasing power. If it appreciates, the debtor is forced to pay more than his contract originally called for, and prices fall thereby discouraging productive industry to the injury of all save those controlling the money. If it depreciates the creditor loses, and



prices have an artificial and injurious tendency to rise.

In seeking to discover an equitable medium of exchange it may be well to examine somewhat closely into the difference between barter and sale. The latter differs from the former in that it always consists in the exchange of a commodity or service not for some other, but for that which will be generally received in exchange for any and all commodities and services, and which is called money. A pure sale can not be made without pure money. Whenever the medium of exchange has any commodity value the transaction partakes of the nature of barter, and it may be questioned whether it is not wholly barter, the so-called money being merely a commodity, having its natural commodity value enhanced by the demand for its use as such medium.

Pure money is the evidence of a half-completed barter, indicating the value of the commodity or service in exchange or payment for which it was taken and having some characteristic rendering it receivable generally in payment for other commodities and services of like value. The promissory note of some well known person of undoubted wealth and integrity, payable in some generally recognized medium of exchange would

perhaps come as near being pure money as possible without the aid of government, passing from hand to hand in exchanges made by persons having confidence that it would be paid when presented to the maker. But for the government to compel its acceptance as money would clearly be to the advantage of the maker and to the disadvantage of others less favored, as in the case of bank currency.

Since a pure legal tender money should consist of evidence that its holder has parted with the value indicated, and should also guarantee to him that it will be received in exchange for commodities or services as readily at least as whatever he parted with would have been received, and since it can not be pure money and consist of anything having a commodity value, it must of necessity result from some incomplete or half-barter, from furnishing some service or commodity to some person having the power to provide the evidence of value received and also that such evidence shall be received and accepted by each and all in exchange and payment for commodities and services. It is clear that the State is the only power that can justly compel all to receive its notes or due bills in payment of debts, and that it may well do this will appear from a simple illustration. It employs some individual to render the government some

service in acknowledgment for which it gives him a memorandum as evidence of value due him from the State, coupled with an order that such memorandum and order shall be received by each and every person constituting the State in payment of all debts due them, and also by the State in payment of all obligations to it. It is an order by the whole people on the whole people, binding them collectively and individually to pay for value received by them in their corporate capacity but for their individual benefit. The particular memorandum or piece of money has its origin in a barter begun with the furnishing of some commodity or service by some one or more of the people, to all the people, and completed when it is received back by the latter in payment for some service rendered by the State to the individual surrendering it. The piece of money may meanwhile have been the medium of many exchanges between individuals. It is pure money having no possible use except as money and no value except as money. Its usefulness can not be affected by the rise or fall of any commodity, nor its value disturbed by anything short of the destruction of the government itself.

A piece of such money would naturally consist of a paper memorandum of the facts constituting it money. Whenever it came back into the

hands of the State it could be again paid out for value, and would continue to perform its proper and only function as long as demanded by the necessities of the State. The amount or volume of such a currency would be measured by and limited to the expenses and revenues of the government, a safer, more rational and reliable limit than that afforded by the product of any metal or other commodity, or by the best judgment of all the legislators or bankers in the world. Such a currency, although consisting of paper, should not be confounded with so-called paper money evidencing the promise to pay some particular metal or commodity, and depending for its stability and soundness upon the promisor's ability to make the agreed payment. The strongest government may at times be unable to make such promises good, but never to itself accept and to compel its subjects to accept its and their orders upon itself and them in payment of debts due to it and them.

It may not be out of place to suggest a method by which such a currency could be adopted without doing greater violence to existing conditions than is incident to any great necessary reform. Let the government provide that on and after some specified date, the only legal tender money or legalized currency of the country shall be of the character



outlined above; that all money now in circulation shall be received by the government in exchange for the new money, dollar for dollar, whether of paper or metal. The amount issued by such exchange would be increased if necessary, by paying it out for commodities and services furnished the government until the amount in circulation was sufficient to accomodate the annual collection of the public revenue and the payment of government expenses. The final register and regulator of the volume of currency would probably be the annual rental value of the lands of the country.

Objection may be made to the method suggested on the ground that holders of gold or silver coin might decline to surrender it for the pure paper money. Their action would simply render it necessary to issue a larger amount in direct payment for commodities and services. The holders of coin could make such use or disposition of it as pleased them best. It is clear that it would not increase in value by reason of the change. It could not fail to become cheaper by reason of the less demand for it, so that individuals and the government could more readily and at less cost secure it for the liquidation of obligations payable in coin. It would, however, no doubt continue to be a very common medium

of exchange and favorite subject of barter, but it would never enter into a sale except as a commodity bought and sold for paper or pure money in the same manner as other commodities.

Objection may also be made that such a money would not serve the purposes of foreign trade, that it would not be an international currency. It would not, nor will any money the government can create. The money established by a State is such only within the jurisdiction of that State. It is but the exercise of the State's power, a part of the law of the State which can and should be of force only within its jurisdiction. The legitimate function of the legalized money of a country has properly no more to do with other countries than have its land laws or those enacted for the preservation of the peace. Gold is used in the settlement of balances in foreign trade not because it is legal money, but because a convenient and generally recognized and accepted medium of exchange. It would probably continue to be so used after the adoption of a pure legal tender money, and it might be well for the State in the exercise of its peace and right preserving functions to provide for the coinage of gold and silver as it does for the weighing and measuring of other commodities. The coins would serve as readily as now all the

purposes of foreign trade, as well as for the payment of obligations binding the government or individuals to pay coin. If from any unforeseen cause the government should be unable to purchase sufficient coin to meet its outstanding coin obligations, it could as in other cases of necessity exercise its right of eminent domain, take possession of gold and silver bearing lands, develop the mines and pay out its own gold and silver.

There is no principle of government warranting the attempt to establish an international money, the only object of such attempt being to facilitate certain branches of industry, to render special aid to particular capital, an object foreign to any legitimate function of government. If a man desires to engage in foreign trade or to travel abroad and finds that gold or silver is necessary to the accomplishment of his purpose, let him purchase them as he does any other needed commodity. Let the government confine its efforts and the exercise of the power with which it is entrusted to the preservation of rights. Let it cease to create privileges whose existence is always destructive of rights or rather of their equal enjoyment.

The adoption of a pure or scientific money will doubtless, like that of most other great reforms,

be somewhat gradual, the government meanwhile endeavoring to decide upon and adopt the least injurious method of maintaining so-called metallic money. What metal or metals should be used, whether gold or silver or both, can be decided upon no strictly governmental principle, since there is no principle of government warranting the establishment of a metallic legal tender. The question is not altogether unlike one that might arise as to different systems of slavery no one of which could be founded on any just principle, but one of which might be less burdensome than another, less injurious to both master and slave, and less dangerous to the stability of the State. A government which might not be able to abolish slavery at once would certainly be inexcusable if it failed to do all in its power to prevent its extension and to reduce its hardships and evil effects to a minimum, a purpose which should also control legislative action in regard to making silver and gold a legal tender. There is no good reason, however, why any paper currency deemed necessary to supplement coin should not be pure money issued by the government in payment for services and commodities and receivable in payment as a full legal



tender for all debts public and private. By the gradual introduction of such a money in place of all other forms of paper currency and the abolition of all banks of issue, the government could greatly facilitate solution of the currency problem.

## CHAPTER VII.

THE SCIENTIFIC METHOD APPLICABLE TO THE SOLUTION OF ALL POLITICAL PROBLEMS.—THE TARIFF.—WOMAN SUFFRAGE, ET CETERA.

The method pursued in examining the foregoing subjects and laws is equally applicable and necessary to the solution of every question the citizen has to answer, of every problem the State is called upon to solve. Patent laws, tariff laws, criminal laws, the questions of marriage and divorce, of woman suffrage, of popular education and of social progress should all be considered in the light of axiomatic principles and with reference to the legitimate functions of government.

Profitable attention might, doubtless, be given to patent laws which exert a potent influence upon industrial conditions. They are laws declaratory and preservative of certain real or fictitious property rights. If there be any natural property right in a discovery or an invention, it is proper that the State in the discharge of its third, or right-preserving function should provide for its protection. If

on the other hand there be no such natural right, the creation of an artificial one is foreign to any legitimate function of government and an unwarranted and injurious interference with the equal enjoyment of natural rights. It is clear that any man has a natural right to make and utilize whatever discoveries or inventions he can, but not so clear that other men have not a right to repeat the particular discovery or invention or even to utilize it, although not made by them. The importance of this subject is suggested by frequent complaints of the injurious effects of labor saving machinery upon the market for manual labor and the rate of wages. Thousands of men are engaged in some branch of industry; a machine is invented, the introduction of which into general use will throw them out of employment. Such a change, if occurring naturally, that is, without the interference or aid of government, would be one to which men should accommodate themselves as best they could. In the natural order of things the machine would be gradually brought into general but not monopolistic use, the laborers, some of them becoming manufacturers, owners and operators of it, while others would with less precipitation and greater success seek other and different employment. The government steps in, however, and makes it possible

and profitable for particularly favored capital to at once monopolize the use of the machine and with it the particular industry. The evil results are of course aggravated by reason of the fact that the patents generally come to be controlled by private corporations, but it is a serious question whether the issue of the patent is not itself an abuse of civil power. It may be argued that patents encourage inventions of great benefit to society, which may be true, and yet few will contend that the State could justly appropriate the millions of a Vanderbilt or Astor to the promotion of discovery and invention, no matter how beneficial such appropriation might be, nor can it with greater justice interfere for such purpose with any natural right or opportunity of any man. There was a time when men stood upon the shores of lake and stream angling for fish. At length one invented a boat, finding thereby deeper water and better fishing. Had he or the community any right to prevent other men from using, making or selling boats? Another thought of the mast and sail. Could he by right prevent others from making use of the same contrivance? And so with every invention that man may make, what natural right has he to prevent another from using it? The latter might have produced it a week or a day later, although



the former had never been born. That the so-called rights protected by patent are not natural is admitted in that the government assumes to secure them for only a limited term. Why should the life of a patent be fourteen rather than forty or four hundred years if its object is to secure a natural right? Patent rights are privileges which the State has no legitimate authority to grant. Of the thousands that spend their lives in efforts at discovery and invention how few succeed, and of those succeeding how few themselves reap the reward that government assumes to provide. The inventor will invent as the poet sings or the painter paints, because impelled by his genius. If he is to receive other than his natural reward, let it be given to him directly by the State, by the people, and let all the people share equally and at once in the benefit of his discovery.

The question of the tariff is to be considered with reference to the particular object for which it is to be imposed. If for revenue, its collection falls within the first or self-preserving function of the government. But as already seen the fund arising from the rental value of land or valuable natural opportunities should be applied to the payment of public expenses, nor should resort be had to any other mode of taxation until such fund is so

applied and exhausted. Discussion of prevailing methods of taxation is but a paradoxical attempt to discover the right way of doing a wrong thing. In considering a protective tariff inquiry should be made as to whether the protection is intended for the State or for individuals. If for the State, the imposition of the tariff will fall under the first governmental function, but if for individuals, under the third function. It is possible that the safety of the State may at times require the development of certain industries, for instance, the production of something necessary to defensive warfare for the supply of which it would not do to depend upon possible enemies. It is clear, however, that provision for such emergency should be made by the State itself directly in the discharge of its fourth or public serving function; that is, if individuals could not profitably carry on the particular industry and its conduct was necessary to the public safety, the State would be interfering with no individual right, but rather performing a legitimate and necessary public function by itself conducting the industry. Such method would certainly be more equitable than the indirect one of tariff protection. There are comparatively few instances of such necessity. If the object be to protect individuals by making particular branches of industry profitable to manufacturers, the action of the State in that

regard is not only foreign to any legitimate function but contrary to every correct principle of government, since it is impossible to aid or benefit particular persons or classes except at the expense and injury of others. No less unwarranted by fundamental principle is any attempt to provide employment for labor through the imposition of a tariff, since the State has no right to do more for either labor or capital than to secure for each the enjoyment of natural opportunities and conditions for their employment. If by reason its neglect to secure such enjoyment the State has placed itself under any special obligation to labor, its duty is to restore such opportunities and conditions rather than to attempt to make compensation by further abuse of its power, still further interfering with the inalienable right of natural competition and aggravating the evils it seeks to remedy.

The problem of crime involves the question as to what acts should be prohibited by the State, the answer to which is to be found by reference to the the functions of government. Acts directed to overthrow of the government must be prevented by it in the discharge of its first or self-preserving function. They constitute the crime of treason. Those destructive of the peace are forbidden by virtue of the second, or peace preserving function,

while those interfering enjoyment of natural rights should be prohibited in the discharge of the third, or right-preserving function. The object in each instance should be to prevent or deter men from committing the prohibited offense, and the penalties attached should be directed solely to that end. Any punishment that needlessly adds to the disgrace necessarily incident to the commission of an offense tends to increase rather than to diminish crime. Every effort should be made not only in justice to the offender but also in the interest of the public that his punishment may tend to render him less likely to offend again. He should be punished not to gratify the revenge of any whom he may have injured but to preserve the peace both now and hereafter. The right of self-defense does not include the gratification of revenge, nor has any man the right to demand that the State, in assuming to defend, shall also avenge him. Superintendents and overseers of jails and penitentiaries should be selected with as much care as those placed in charge of schools and colleges, and with no less for their intelligence and humane integrity. A crying evil is that of too frequently treating those merely charged with crime as if already proved to be guilty, and often in a manner too shameful for the deserts even of the most



guilty, The State has no right and can not afford to be unjust. When it shall have corrected its own abuses it will have greatly reduced the number of its criminals. It is too often responsible for the crime it is called upon to punish to warrant any arrogant, self-righteous exhibition of its sovereign power.

The problem of marriage and divorce, so far at least as the government is concerned, is to be solved by determining what, if any, natural rights the problem involves, the enforcement of what may be the purely religious or moral obligations involved being wholly foreign to any legitimate function of the State.

The question of woman suffrage is to be viewed in connection with the first and third functions of government. The preservation of the State depends upon the manner in which its power is exercised. There can be no real wisdom not founded in justice. Since the State assumes to control the conduct of all persons within its jurisdiction, and since no individual nor set of individuals has greater right than another to direct the use of its power, and since the rights of each and all are reasonably presumed to be better protected when all have a voice in providing for such protection than when it is left to a part to provide it, it

would seem but just that all whose rights may be concerned should have an equal voice in matters of government, women no less than men, Government is but the incorporation of all persons into a body politic, warranted by the right of self-defense against disturbance of the peace. The right to effect such incorporation is peculiar to neither man nor woman, but arises from the right of self-defense which belongs to them both alike, and it would seem that the State in the discharge of its third, or right-preserving function should at least not deny to woman the right to take part in the formation and conduct of such incorporation. The formation of an intelligent public opinion upon matters of government demands the most earnest and continued attention of the whole people, male and female, and it is not unlikely that if called upon to take a more active part in civic deliberations woman might do more towards promoting such an opinion.

The question of public education involves the inquiry whether it be necessary to the preservation of the State for it to provide for the education of its citizens. If not, then there can be no just warrant for such education, since no man is by nature entitled to demand greater knowledge or better training than he can himself acquire through the

enjoyment and exercise of the rights of life, liberty, property and contract. The primary object of public education, that is, at the expense of the public, should be to prepare all persons for the duties of intelligent citizenship; not to teach any particular theory of government, of politics, political economy or theology, but to develop the ability for and the habit of independent and thorough investigation of all questions, especially those calling for political action. Graduates of public institutions of learning should be too well educated to accept the conclusions of any teacher, school or party as final. No public school teacher, however learned, can be justified in presenting his own opinion on disputed questions without at the same time calling the student's respectful attention to whatever opposite opinions may be held by others, and encouraging independent examination of all opinions and theories. Nor should any such teacher be criticised, much less discharged, for presenting for what they may be worth, the results of his own or other men's original investigations in political or social science, no matter how contradictory of generally accepted theories. It is but a barbarous continuation of the tyranny that has characterized government from the beginning and greatly retarded its progress and that of the race, for it to encourage discoveries in the labora-

tories of physical science, but to persecute whoever shall presume to make them in the domain of social science.

Whatever instruction the State may provide further than that necessary to intelligent citizenship, in manual training, for instance, is warranted only when the State assumes such control of the child's time as to prevent the parent from providing such instruction. One fault of the public school system has been that pupils completing the prescribed course of study are deprived of the opportunity to learn trades and business habits by exclusive attendance upon school at the very time when they should also be acquiring the knowledge and habit of manual industry. Although it is not the duty of the State to teach trades or professions, it should do nothing to prevent or discourage their being learned. Whenever there shall be a science of government, instruction in public schools should be limited as far as practicable to the teaching of whatever would be necessary to the mastery of that science, their legitimate aim being to send forth graduates proficient in the theory and practice of the art of government.

With the promotion of social progress government has properly nothing to do. It should reform itself by ceasing its attempts to reform society.





It is responsible for only such social ills as are caused by the misuse of its power. Instead of prescribing corrective medicines for the ills of society, it should preserve natural conditions always the most favorable to social as well as individual health, both physical and moral.

The office of the State is not that of physician or teacher but rather that of policeman. When it shall efficiently discharge all its legitimate functions, the individual and society will enjoy the the liberty to make whatever advancement is to be reasonably expected from compliance with the immutable laws of God and nature. No government can improve upon those laws, nor should any attempt be made to do more than to secure to every individual the freedom to learn and obey them. Whenever that freedom shall be permanently enjoyed the healthful, natural progress of society will be assured, for every man will then be free to make use of all the opportunities provided by God and and nature for his own improvement and to utilize every worthy means and influence for the advancement of his fellow men.

Almighty wisdom has not provided nor can government devise conditions more favorable to both the tem oral and the spiritual welfare of mankind than those that will exist when the use of civil power shall be limited strictly to the efficient discharge of the four legitimate and only proper functions of government.